

APPLICATION ELEMENTS		ADDRESS TO:	
See MPEP chapter 600 concerning utility patent application contents.		Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	
<div>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</div> <div>2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</div> <div>3. <input checked="" type="checkbox"/> Specification [Total Pages 98] (preferred arrangement set forth below)<ul style="list-style-type: none">- Descriptive title of the invention- Cross Reference to Related Applications- Statement Regarding Fed sponsored R & D- Reference to sequence listing, a table, or a computer program listing appendix- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure</div> <div>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 21]</div> <div>5. Oath or Declaration [Total Pages]<div>a. <input type="checkbox"/> Newly executed (original or copy)</div><div>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 18 completed)<div>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</div></div></div> <div>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</div>		<div>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</div> <div>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)<div>a. <input type="checkbox"/> Computer Readable Form (CRF)</div><div>b. Specification Sequence Listing on:<div>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</div><div>ii. <input type="checkbox"/> paper</div></div><div>c. <input type="checkbox"/> Statements verifying identity of above copies</div></div>	
ACCOMPANYING APPLICATION PARTS			
<div>9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</div> <div>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney</div> <div>11. <input type="checkbox"/> English Translation Document (if applicable)</div> <div>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</div> <div>13. <input checked="" type="checkbox"/> Preliminary Amendment</div> <div>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</div> <div>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</div> <div>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</div> <div>17. <input checked="" type="checkbox"/> Other: Prelim. Exam. Report; Two-Substitute POAs</div>			
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <div><input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 09 / 380,545</div> <div>Prior application information: Examiner: S. Hendrickson Group Art Unit: 1754</div> <div>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</div>			
19. CORRESPONDENCE ADDRESS			
<input type="checkbox"/> Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or <input checked="" type="checkbox"/> Correspondence address below			
Name		Ross Spencer Garsson	
Address		100 Congress Avenue Suite 800	
City	Austin	State	TX
Country	USA	Zip Code	78701
Telephone	512-370-2870	Fax	512-370-2850
Name (Print/Type)		Registration No. (Attorney/Agent)	38,150
Signature		Date	12/28/2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 913.00

Complete if Known

Application Number	Unassigned
Filing Date	December 28, 2001
First Named Inventor	Richard E. Smalley
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	11321-P012USD3

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

23-2426

Deposit
Account
Name

Winstead Sechrest & Minick

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	0.00
107	510	207	255	Plant filing fee	0.00
108	740	208	370	Reissue filing fee	0.00
114	160	214	80	Provisional filing fee	0.00
SUBTOTAL (1)					(\$ 370.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
29	-20** = 9	9.00	81.00
14	-3** = 11	42.00	462.00
Multiple Dependent		280.00	0.00

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 543.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	0.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	0.00
139	130	139	130	Non-English specification	0.00
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	0.00
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0.00
115	110	215	55	Extension for reply within first month	0.00
116	400	216	200	Extension for reply within second month	0.00
117	920	217	460	Extension for reply within third month	0.00
118	1,440	218	720	Extension for reply within fourth month	0.00
128	1,960	228	980	Extension for reply within fifth month	0.00
119	320	219	160	Notice of Appeal	0.00
120	320	220	160	Filing a brief in support of an appeal	0.00
121	280	221	140	Request for oral hearing	0.00
138	1,510	138	1,510	Petition to institute a public use proceeding	0.00
140	110	240	55	Petition to revive - unavoidable	0.00
141	1,280	241	640	Petition to revive - unintentional	0.00
142	1,280	242	640	Utility issue fee (or reissue)	0.00
143	460	243	230	Design issue fee	0.00
144	620	244	310	Plant issue fee	0.00
122	130	122	130	Petitions to the Commissioner	0.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	0.00
126	180	126	180	Submission of Information Disclosure Stmt	0.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	0.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179	740	279	370	Request for Continued Examination (RCE)	0.00
169	900	169	900	Request for expedited examination of a design application	0.00
Other fee (specify) N/A				0.00	
SUBTOTAL (3)			(\$ 0.00)		

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Ross Spencer Garsson

Registration No.
(Attorney/Agent)

38,150

Telephone

512-370-2870

Signature

Date

12/28/2001

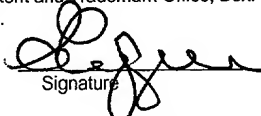
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Serial No:	To Be Assigned
Richard E. Smalley et al.	§		(division of application
	§		Serial No. 09/380,545)
For: CARBON FIBERS FORMED FROM	§		
SINGLE-WALL CARBON	§	Filed: HEREWITH	
NANOTUBES	§		
	§	Group Art Unit: 1754 (anticipated)	
	§		
Atty Dkt: 11321-P012USD3	§	Prior Examiner: Stuart Henderson	
	§	703.308.2539	

U.S. Patent and Trademark Office
BOX: PATENT APPLICATION
Washington, D.C. 20231

"EXPRESS MAIL" MAILING LABEL	
Number: <u>EL 823 269 716 US</u>	
Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the U.S. Patent and Trademark Office, Box: Patent Application, Washington, D.C. 20231.	
<u>December 28, 2001</u>	
Date	Signature
	<u>Grace Segovia</u>
	Printed Name

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

- ☒ 1. Enclosed is a copy of the co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. The undersigned hereby incorporates co-pending prior patent application Serial No. 09/380,545, International Application Number PCT/US98/04513, provisional application Serial No. 60/067,325, provisional application Serial No. 60/064,531, provisional application Serial No. 60/063,675, provisional application Serial No. 60/055,037, provisional application Serial No. 60/047,854, and provisional application Serial No. 60/040,152, herein by reference and verifies that the enclosed papers are a copy of the co-pending prior patent application Serial No. 09/380,545 as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- (a) ☒ The inventorship is the same as co-pending prior patent application Serial No. 09/380,545.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☐ Priority of foreign patent application number _____, filed _____ in _____ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:
☐ is enclosed.
☐ has been filed in the prior Application Serial No. _____.

- ☐ 2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- ☒ 3. Enclosed is a check in the amount of \$913.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS FOLLOWING ENTRY OF PRELIMINARY AMENDMENT

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	29 - 20 =	9 ×	\$9 =	\$81.00
Independent Claims	14 - 3 =	11 ×	\$42 =	\$462.00
Multiple Dependent Claim(s) -----				\$00.00
TOTAL FILING FEES:				\$913.00

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required for any reason relating to this application, or credit any overpayment, to Winstead Sechrest & Minick Deposit Account No. 23-2426 referencing 11321-P012USD3.
- ☐ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Ross Spencer Garsson
WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue
Suite 800
Austin, Texas 78701
(512) 370-2870 (voice)
(512) 370-2850 (fax)
- ☒ 8. The prior application is presently assigned to William Marsh Rice University.
- ☒ 9. Enclosed is a Preliminary Amendment. Any additional fees incurred because of the Preliminary Amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the Preliminary Amendment.
- ☒ 10. Cancel in this application claims 1-30 and 34-162 of the prior application before calculating the filing fee.

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- ☒ 11. This application is a division of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

This application discloses subject matter related to the subject matter of U.S. patent application Serial Number 10/000,746, filed on November 30, 2001, in the name of Daniel T. Colbert et al., entitled "MACROSCOPICALLY MANIPULABLE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES," which application is commonly assigned to the assignee of the present invention.

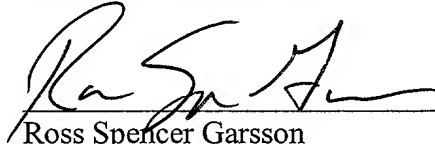
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO/SB/08A.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. _____ filed _____, for use in this

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☐ 15. Other: ____.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Ross Spencer Garsson
Reg. No. 38,150
Winstead Sechrest & Minick P.C.
100 Congress Avenue
Suite 800
Austin, Texas 78701
(512) 370-2870 (voice)
(512) 370-2850 (fax)

ATTORNEYS FOR ASSIGNEE

Date: December 28, 2001

AUSTIN_1\180585\1
12/28/2001 - 11321-P012USD3

JUN-30-00 15:27 ID:7136502400

WINSTEAD SECHREST MINICK

JOB NUMBER 347
 INFORMATION CODE OK
 TELEPHONE NUMBER 917033087048
 NAME (ID NUMBER) 7033089759
 START TIME JUN-30-00 15:26
 PAGES TRANSMITTED 003 TRANSMISSION MODE EMMR
 RESOLUTION STD REDIALING TIMES 00
 SECURITY OFF MAILBOX OFF
 MACHINE ENGAGED 01'04

THIS TRANSMISSION IS COMPLETED.

LAST SUCCESSFUL PAGE 003

WINSTEAD SECHREST & MINICK
 A Professional Corporation | Attorneys & Counselors

WSM

TELECOMMUNICATION TRANSMITTAL

2400 Bank One Center
 910 Travis Street
 Houston, Texas 77002
 713/650-8400
 fax 713/650-2400

www.winstead.com

direct dial: 713/713/650-2764
 rshaddox@winstead.com

PLEASE DELIVER TO THE FOLLOWING:	TELEPHONE NUMBER:	FAX NUMBER:
Patent and Trademark Office		703-308-7048

FROM: Robert C. Shaddox

The information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone, and return the original message to us at the above address via the U. S. Postal Service.

DATE: June 30, 2000

TIME IN:

NUMBER OF PAGES: 3 INCLUDING COVER SHEET. PLEASE CALL THE FAX OPERATOR AT 713/650-2464 AS SOON AS POSSIBLE IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES OR IF TRANSMISSION IS NOT LEGIBLE.

ATTORNEY #: 1091 CLIENT-MATTER #: 11321-G22222

ADDITIONAL MESSAGE:

☒ ORIGINAL WILL NOT FOLLOW

ORIGINAL WILL FOLLOW VIA:
☐ Regular Mail ☐ Hand Delivery
☐ Overnight Delivery ☐ Other

RECEIVED